

234 CMR 2.00: GENERAL RULES AND REQUIREMENTS

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2.01: Rules of Procedure

(1) Officers. At the Annual Meeting of the Board to be held during the month of December, the Board shall elect from its members, a Chairman and a Secretary.

(2) Chairman. The Chairman shall preside at all meetings and may, with the Secretary, sign and issue interne certificates at interims, subject to confirmation of this action by the Board at its next meeting. The Chairman and Board members shall endorse all certificates of registration issued by the Board.

In the absence of temporary incapacity of the Secretary, the Chairman may appoint a Secretary, who may assume such duties, pro tem, as the Board may approve. The Chairman of the Board may show a failed candidate his theoretic examination books. Other Board members receiving requests of this nature should refer candidate or candidates to the Chairman. All new members of the Board shall be given definite instructions by the Chairman as to their duties.

(3) Secretary. The Secretary of the Board shall keep the minutes of all meetings and proceedings of the Board and shall be in charge of all records of the Board, and of all correspondence having to do with the business of the Board; he shall receive and account for all monies paid into the Board and shall pay out the same as authorized by law. He shall have charge of the Board's seal and shall use the same as provided for in issuing certificates of registration and renewals thereof and shall sign such renewals on behalf of the Board.

The Secretary, by authority of the Board, may delegate such parts of his duties as are deemed advisable by the Board, but official duties shall not be allocated.

(4) Secretary's Bond. The Secretary of the Board should be bonded and the expense for such bond shall be paid from the Board's administration fund.

(5) Meetings. There shall be held at least two regular meetings in each year, as required by law, which meetings shall be called by the Chairman upon notification of ten days' notice in writing, issued by the Secretary.

Special meetings at the request of any Board member may be called by the Secretary by regular notices as above provided for.

Notice of special meetings shall state the purpose for which the meeting is called.

(6) Quorum. At least four members of the Board shall constitute a quorum for the transaction of business.

The Board shall keep a full record of its proceedings and a registry of all persons registered by it, which shall be public records and open to inspection. A transcript of any of the entries in such record, certified by the Secretary, shall be competent evidence of the facts stated therein.

All examination books must be returned to the office of the Board by each examiner, as they are a part of the Board's records.

Records of the Board shall not be removed from the office of the Board.

(7) Board Policy. It is a policy of the Board of Registration in Dentistry that:

- (a) All licensed dentists who violate the dental law be called before the Board for a hearing.
- (b) Full publicity be given defendants found guilty of serious infringement against the Dental Law.

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- (c) The Secretary should request the Clerk of the House and Clerk of the Senate to notify him whenever there is a bill pertaining to dentistry. The Secretary then should notify the members and have the Chairman call a meeting of the Board and decide what action the Board wishes to take.
- (d) All rulings from the Attorney General's office to the Board are requested to be in writing.
- (e) All vouchers shall be filled out before being signed by three members of the Board.
- (f) The Board's investigator shall report at all meetings of the Board what he has accomplished and is planning to do.
- (g) Before reading or publishing a scientific paper purporting to be the opinion of the Board, a member shall submit it to the full Board for approval.
- (h) No member of the Board shall represent this Board without at first receiving permission from the Board officially.
- (i) All cases of complaint for allegedly excessive fees, or any professional controversy in regard to work allegedly contracted for between a dentist and patient be acted upon by a committee of two members of the Board, one being the Secretary. If this is not satisfactory to the complainant, he may appeal to the full Board.
- (j) Suitable notice shall be sent to dental schools notifying them of the examination date.
- (k) All communications should be addressed to the Secretary of the Board of Registration in Dentistry, 100 Cambridge St., 15th floor, Boston, MA 02202. Money orders and checks should be made payable to the Commonwealth of Massachusetts.

(8) Reciprocity. All reciprocal examinations with other states have been rescinded.

(9) Duplicate Certificates. The Board may issue a duplicate certificate of registration upon satisfactory evidence that the original certificate has been lost or destroyed and the fee therefor shall be \$5.00.

(10) Certified Statements. The Board may issue a certified statement containing the name, degree, number of certificate and date of issuance for the fee of \$1.00.

(11) Renewal of License and Reporting of Disciplinary Action.

(a) Definitions - "Disciplinary action" includes but is not limited to: revocation, suspension, probation, censure, reprimand, restriction, non-renewal, denial/restriction of privileges, resignation or termination of participation.

1. A denial/restriction of privileges or resignation shall only be reported when related in any way to:

- a. the applicant's competence to practice dentistry or dental hygiene; or
- b. a complaint or allegation regarding any violation, whether specifically cited or not, of the laws, regulations, or by-laws of this Board or any authority, institution, association, facility, agency, or company listed below in 234 CMR 2.01(11)(c)2.a. through e.

(b) A registered dentist or dental hygienist who has been absent from this state for more than one year may be referred to the Investigative Unit for investigation and the result reported to the full Board before the biennial registration is restored; except in the case of a dentist or dental hygienist who has been serving in the armed forces.

(c) Dentists, dental hygienists, and individuals with limited registration (dental interns) shall include on their renewal application form the following information:

- 1. Applicant's name and principal work address;
- 2. Information concerning any disciplinary action taken against the applicant during the last four years by any of the following:
  - a. governmental authorities;
  - b. hospitals;
  - c. health care facilities, but not including disciplinary action taken against a student by a dental/hental hygiene school;
  - d. professional dental or dental hygiene associations, but not including professional association peer review proceedings;
  - e. insurance companies or other third party payors, which shall only include findings of billing irregularities for any of the following as stated in M.G.L. c. 112, § 52E:

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- i. obtaining a total payment in excess of that usually received by the dentist for services rendered;
  - ii. falsely reporting treatment dates for the purpose of obtaining payment;
  - iii. reporting charges for service not rendered;
  - iv. falsely reporting services rendered for the purpose of obtaining payment;
  - v. abrogating the co-payment provisions of a contract by accepting the payment received from the third party as full payment.
3. Information concerning any civil litigation related to the practice of dentistry in the last two years which has resulted in a finding against the applicant and/or a settlement.
4. Information concerning any criminal proceedings commenced against the applicant in the last two years but not including minor traffic offenses.
5. Information describing an applicant's privilege to possess, prescribe, or dispense controlled substances.
6. A statement of other jurisdictions in which the applicant is licensed to practice dentistry or dental hygiene.

(12) Change in Name. In case of legal change of name of a registered dentist, the Board of Registration in Dentistry may issue a new certificate to a registered dentist which shall contain the new name of such dentist, provided that such dentist shall first surrender to said Board his original certificate or any duplicate thereof, and pays the required fee of \$15.00.

((13) through (19): Reserved)

(20) Licensure by Credentials for Dentists.

(a) Eligibility. The Board may grant licensure by credentials, without an examination, to dentists licensed in other states provided: (1) the applicant has the credentials listed in 234 CMR 2.01(2)(a)1. through 6.; and (2) effective March 1, 1996, the state of licensure accords a similar privilege to dentists licensed by the Board:

1. Is a graduate and has received the degree of DDS or DMD from a dental school accredited by the Commission on Dental Accreditation of the American Dental Association.
2. Is of good moral character.
3. Is professionally competent.
4. Is currently licensed in another jurisdiction by virtue of successful completion of an examination.
5. Has been in dental practice and/or dental education for a minimum of five years immediately preceding the application. Applicants may include the practice of dentistry in the armed forces, federal, state, and municipal programs, and intern and residency programs as part of the five years of dental practice.
6. Is endorsed by the state board(s) of dentistry in the state(s) in which he/she has ever held a dental license.

Note: Dentists licensed in other states who have completed a general practice residency or who are Board eligible specialists will not be subject to the requirement of 234 CMR 2.01(20)(a)(2).

(b) Application Procedure. An applicant must submit the following information to the Board:

1. A completed Massachusetts Board of Registration in Dentistry application for licensure by credentials.
2. A statement from each state board of dentistry in which the applicant is currently or has previously been licensed to practice dentistry attesting to the fact that his/her license is or has been in good standing and a report of any disciplinary action which at any time had been taken against the licensee.
3. Proof of graduation from a dental school accredited by the Commission on Dental Accreditation of the American Dental Association.
4. letters of endorsement from two dentists who are familiar with the applicant and his/her practice of dentistry.
5. Proof of satisfactory completion of 40 hours of continuing education during the last two years, according to the criteria set forth in 234 CMR 5.04.
6. A physician's statement that is the result of an examination attesting to the physical and mental health of the applicant and to any visual impairments which may affect the ability to practice dentistry by the applicant. The examination must have been performed within six months of the application date.

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7. A successfully completed jurisprudence examination on the Dental Laws of the Commonwealth of Massachusetts and 234 CMR.
  8. A report from the applicant of any disciplinary action taken against the applicant within the last five years according to 234 CMR 2.01(11)(c).
- (c) Requirements. All applicants for licensure by credentials must:
1. Present a completed application with the required application fee and any additional fees which may be levied for investigatory purposes.
  2. Appear for a personal interview before the Board or a Committee of the Board.
  3. Establish a practice location within the Commonwealth within a two year period of time from the date of Board approval of the application. Upon notification by the applicant, the Board shall process the license and mail it to the practice location. Failure to notify the Board within two years shall render the application approval invalid and a new application must be submitted.

2.02: Rules for Examinations

- (1) All applicants for examination must be checked with the State Board of Probation and the State Bureau of Criminal Identification.
- (2) All applicants must file with the Secretary of the Board ten days before examination, a certified statement from the office of the Dean of their respective colleges listing their qualifications.
- (3) A photograph is required of all candidates to be examined.
- (4) Written examinations will be given in the following subjects: Anatomy, Physiology, Bacteriology, Oral Histology and Pathology, Oral Surgery, Biochemistry, Radiology, Orthodontics, Oral Diagnosis, Oral Medicine, Pharmacology, Operative Dentistry, Prosthetic Dentistry, Dental Jurisprudence.
- (5) In the operative examination when a cavity preparation is not considered satisfactory for completion in the opinion of the examiner who made the assignment, the operative should be stopped, if the majority of the Board so decides.
- (6) All practical, operative examinations must be marked passed or failed.
- (7) Gold Foil Filling requirements for the practical examination will be made mandatory by the Board. This examination may be made more comprehensive and may include case studies, X-Ray interpretation, any kind of plastic fillings, diagnosis, extraction and anesthesia, or any type of operation deemed advisable by the Board.
- (8) The minimum mark of 75 is required for passing average; all rules and customs of the Board must conform to this standard.
- (9) There is no reconsideration by the full Board of the grades obtained by an individual in the examinations.
- (10) If a candidate fails in one or more subjects, all of his books shall be open to inspection by all Board members.
- (11) Before marking practicing dentists from other states in operative, prosthetic and theory, their numbers shall be disclosed to all members of the Board.
- (12) Failure to pass the Board's examination three times shall eliminate candidate from future examinations unless he shall show proof of post-graduate work of at least one year, whereupon he may be re-examined.
- (13) Any appeal to the Dental Board on marks of examination papers must be made within 30 days of notice of failure.

2.03: Rules and Regulations for Dental Hygienists

- (1) The practical examination of hygienists shall be limited to two hours.
- (2) The subject for the practical examination be a child with green stains on the teeth or a patient who needs sufficient prophylactic treatment to demonstrate satisfactorily the skill required of the candidate.
- (3) Each dental hygienist shall register with the Secretary of the Massachusetts Board of Registration in Dentistry when commencing practice, annually thereafter in the month of January, and at such other times as she may change her place of employment or employer. Blanks for this purpose will be furnished by the Secretary of the Board.
- (4) Any violations of 234 CMR 2.00 shall be amendable to M.G.L. c. 112, §§ 51 through 52, as amended by St. 1934, c. 281, and St. 1937, c. 253.
- (5) A dental hygienist may remove all tartar deposits, accretions, and stains from the exposed surfaces of the teeth and directly beneath the free margin of the gums but shall not perform any other operation on the teeth or mouth or on any diseased tissues of the mouth or attempt diagnosis or treatment of such diseased tissues. A dental hygienist may practice only in public or private institutions such as schools, hospitals, or orphan asylums and sanitariums, under the general direction of a licensed and qualified dentist, but not otherwise; or in the office of a duly qualified and licensed dentist.
- (6) A dental hygienist may call the attention of the dentist under whose direction she is working to any defects of the teeth or gums observed by her while cleaning the teeth.
- (7) A hygienist may have her own printed appointed cards, or her name as hygienist may appear on a dentist's appointment card. Any other method of professional solicitation is prohibited.
- (8) Duplicate certificates for hygienists are to be \$5.00.
- (9) A list of practicing hygienists and employers shall be published annually and appended to the Dental List. All communications should be addressed to the Secretary of the Board of Registration in Dentistry 100 Cambridge St., 15th floor, Boston, MA 02202. Money orders and checks should be made payable to the Commonwealth of Massachusetts.

2.04: Additional Rules and Regulations for Dentists and Hygienists

- (1) A prescription shall be in duplicate and contain:
  - (a) The name and address of the dental laboratory.
  - (b) The name of the patient or his initials or number.
  - (c) The date.
  - (d) A description of the work to be done with diagnosis if necessary.
  - (e) A specification of the type and quality of materials used.
  - (f) The signature of the dentist which shall be retained by the dentist for one year.
- (2) Advising or directing patients to dental laboratories or dental technicians for any dental service including the taking of a shade, impression, adjustment or repair or directing patients to deal directly with dental laboratories or technicians is prohibited.
- (3) Associating or co-operating with any person, firm or corporation in any manner in an effort to avoid and circumvent the intentions or provisions of the Dental Practice Act is prohibited.
- (4) Permitting the placing of his name in any city, commercial telephone or public directory or directories in public or office buildings using what is known as display type that is in any way dissimilar from the standard and size, shape or color or to use any other device tending to give his name visual prominence over other names listed is prohibited.

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(5) Listing in a directory or other publication or holding himself out as a specialist and not actually limiting his practice to said specialties, for which he must be Board qualified or certified is prohibited.

(6) Permitting his name to appear on the door, stationery, sign or placard or telephone listing or window of any person or firm not licensed to practice dentistry is prohibited.

(7) Using or utilizing office door lettering and signs inconsistent in style and text with the dignity of the profession and within the custom of other dentists in the community is prohibited.

(8) Paying or accepting fees in any form or manner as compensation for referring patients to any person for professional services, radiograms, written work orders, or other services or articles supplied to the patient is prohibited.

(9) Initially inserting any dental appliance in the mouth unless such dentist causes such appliance to be fabricated is prohibited, provided however, another dentist may initially insert such dental appliance if the dentist who caused the fabrication of such appliance authorizes the insertion of the same.

(10) Acting as an agent for a commercial laboratory while engaged in active practice is prohibited.

(11) Operating or owning a commercial dental laboratory and continuing in the active practice of dentistry is prohibited; provided that nothing shall be construed to prohibit a licensed dentist or dentists from owning or operating a private, non-commercial dental laboratory in his or their own office for his or their own use and benefit; should such dentist own or operate a private, non-commercial laboratory in his or their offices and employ a dental laboratory technician, he shall furnish such dental laboratory technician with written work orders, as herein provided. In no case shall a non-commercial laboratory located within the office of a dentist advertise in any form whatsoever.

(12) Requirements for Auxiliaries to Take Dental Radiographs.

(a) Delegation Requirements. Auxiliary personnel may take dental radiographs only on the direction and under the general supervision of a licensed dentist.

(b) Licensure, Testing, or Educational Requirements by Categories. As of July 1, 1987, auxiliaries may take dental radiographs if they are able to provide evidence of competency in radiological techniques and safeguards by meeting the licensure, testing, or education requirements of one of the following six categories:

1. Registered Dental Hygienist (RDH). A person who is registered and licensed as a dental hygienist by the Board pursuant to the provision of M.G.L. c. 112, § 51.

2. Certified Dental Assistant (CDA). A person who is currently certified by the Dental Assisting National Board, Inc. (DANB) as a Certified Dental Assistant.

3. Formally Trained Dental Assistant. A person who has successfully completed a formal training program in dental assisting which included a course in radiological techniques and safeguards in compliance with 234 CMR 2.04(12)(c) *Educational Criteria for Radiology Courses* 2 and 3 at a school accredited by the Commission on Accreditation of the American Dental Association or other recognized accrediting body.

4. Dental Assistant with Two Years Work Experience as of July 1, 1986. A person who has at least the equivalent of two years of full time experience as of July 1, 1986, as a dental assistant, which included taking radiographs, shall (either a or b):

a. By January 1, 1987, successfully complete a course in radiological techniques and safeguards. The course sponsor, content, and standards must be in compliance with 234 CMR 2.04(12)(c) *Educational Criteria for Radiology Courses* 1, 2, and 3. If this requirement is not met by January 1, 1987, the requirements in 234 CMR 2.04(12)(b)5. *Other Dental Assistants* will apply. or;

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- b. By January 1, 1987, successfully complete the Dental Radiation Health and Safety Examination of the Dental Assisting National Board, Inc. (DANB) or other examination approved by the Board. If this requirement is not met by January 1, 1987, the requirements in 234 CMR 2.04(12)(b)5. *Other Dental Assistants* will apply.
- 5. Other Dental Assistants. All other dental assistants who do not meet the requirements listed above in 234 CMR 2.04(12)(b) *Licensure, Testing or Educational Requirements by Categories* 1, 2, 3, or 4, must successfully complete a course in radiological techniques and safeguards AND successfully complete the Dental Radiation Health and Safety Examination of the Dental Assisting National Board, Inc. (DANB) or other examination approved by the Board.
  - a. Dental assistants who have successfully completed a course in compliance with 234 CMR 2.04(12)(c)1., 2., and 3., and have not taken or successfully completed the DANB examination or other examination approved by the Board will be allowed to take radiographs under the direct supervision of a licensed dentist until they pass the examination. However, this examination must be successfully completed within one year of completing the educational requirement.
  - b. Dental assistants who have not successfully completed the examination within the one year period must complete an additional course in compliance with 234 CMR 2.04(12)(c)1., 2., and 3., and then must successfully complete the DANB examination within one year of completing the second course. Radiographs may be taken under the direct supervision of a licensed dentist for the one year period after course completion.
- 6. Dental and Dental Hygiene Students. Dental and dental hygiene students must successfully complete a course in radiological techniques and safeguards given by a school accredited by the Commission on Dental Accreditation of the American Dental Association or other recognized accrediting body in order to take radiographs in settings other than those related to their professional training. The course content and standards must be in compliance with 234 CMR 2.04(12)(c)2. and 3.
- (c) Educational Criteria for Radiology Courses. The following educational criteria must apply in order to meet the requirements in 234 CMR 2.04(12)(b)3., 4., 5., and 6.:
  - 1. Course Sponsors A person must successfully complete a course sponsored or approved by any of the following:
    - a. Accredited educational or service institutions;
    - b. Professional associations and societies;
    - c. Accredited Post-Doctoral programs;
    - d. Local, state, and federal governmental health agencies and health institutions;
    - e. Accredited community and teaching hospitals; and
    - f. Institutions which have filed application for accreditation.
  - 2. Course Content. The following topics must be included in any course in radiological techniques and safeguards taken after May 1, 1985:
    - a. Radiographic terminology;
    - b. Characteristics and qualities of the xray machine and beam;
    - c. Fundamental characteristics of ionizing radiation;
    - d. Principles of radiation hygiene and safety;
    - e. Selection of radiographic film;
    - f. Techniques for film placement and angulation of the xray; long and short cone technique;
    - g. Darkroom procedures including duplication of radiographs;
    - h. Film mounts and mounting procedures;
    - i. Characteristics and evaluation of a good radiograph;
    - j. Identification and correction of errors in radiographic technique;
    - k. Identification and correction of darkroom errors;
    - l. Supplemental radiographic techniques e.g. cephalometric, lateral jaw, occlusal, and panoramic techniques;
    - m. Supplemental radiographic surveys e.g. edentulous surveys; and
    - n. Clinical training of techniques on manikins.
  - 3. Course Standards, Evaluation, and Records. The course standards, evaluation, and records for radiology techniques and safeguards must follow the guidelines in 234 CMR 5.00: *Continuing Education*, 5.04(2), (3), and (4).

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(d) Out of State Credentials. The Board may accept the credentials to take radiographs issued by a Board of another state or jurisdiction provided that the Massachusetts Board has determined that the standards for issuance of the authorization at the time of issuance are substantially equivalent to those which exist in the Commonwealth of Massachusetts. Application for acceptance of these credentials must be made in writing directly to the Board.

(e) Responsibilities of the Supervising Dentist. The supervising dentist shall be personally and professionally responsible for all radiographic Procedures performed within his/her practice and shall be subject to disciplinary action by the Board if his/her auxiliary personnel do not meet the requirements to take radiographs in 234 CMR 2.04(12). The Board shall require that the supervising dentist have evidence of compliance with these requirements available in the dental office.

(13) Candidates for dental licensure, either through examination or by endorsement, must have graduated from an accredited school approved by the Council on Dental Education of the American Dental Association.\*

(14) The corporate name of any group of dentists organizing under the M.G.L. c. 156A, shall contain the full name of the dentist if the group consists of only one, but any group consisting of two or more members shall contain in the corporate name the surname of at least two dentists. No further phrases or words may be included in the corporate name. This section does not apply to those professional corporations incorporated before November 24, 1974. All other corporations will be given 60 days to come into compliance with 234 CMR 2.00.

In addition to the names of the dentists organizing a professional corporation, the corporate name, in accordance with the foregoing, must also be listed before the Board of Registration in Dentistry will certify that the organizing dentists are duly licensed to practice in the Commonwealth.

(15) Delegable Procedures for Dental Auxiliaries.

(a) Definitions for 234 CMR 2.04(15)(b).

1. Registered Dental Hygienist (RDH). A person who is registered and licensed as a dental hygienist by the Board pursuant to the provisions of M. G. L. c. 112, § 51.
2. Certified Dental Assistant (CDA). A person who is currently or was previously certified by the Dental Assisting National Board, Inc. (DANB) as a Certified Dental Assistant.
3. Formally Trained Dental Assistant (FTA). A person who has successfully completed a formal training program in dental assisting at a school accredited by the commission on Dental Accreditation of the American Dental Association or other recognized accrediting body.
4. Certified Orthodontic Assistant (COA). A person who is currently or was previously certified by the Dental Assisting National Board, Inc. (DANB) as a Certified Orthodontic Assistant.
5. On the Job Trained Dental Assistant (OJT). A person who is employed as a dental assistant and has received training in performing the appropriate delegated procedures from an employer dentist.
6. General Supervision (G). Supervision of dental procedures based on instructions given by a licensed dentist but not requiring the physical presence of a supervising dentist during the performance of those procedures.
7. Direct Supervision (D). Supervision of dental procedures based on instructions given by a licensed dentist who remains in the dental facility while the procedures are being performed by the auxiliary.
8. Immediate Supervision (I). Supervision of dental procedures by a licensed dentist who remains in the dental facility, personally diagnoses the condition to be treated, personally authorizes the procedures, and before dismissal of the patient, evaluates the performance of the auxiliary.

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\* See also M. G. L. c. 112, § 45 for additional requirements.



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(b) Delegated Procedures and Appropriate Supervision. Registered Dental Hygienists (RDH), Certified Dental Assistants (CDA), Formally Trained Dental Assistants (FTA), Certified Orthodontic Assistants (COA), and On the Job Trained Dental Assistants (OJT) may perform the following dental procedures if so indicated by the appropriate supervision *i.e.* General Supervision (G) Direct Supervision (D), or Immediate Supervision (I).

<u>Delegated Procedure</u>	<u>Appropriate Supervision</u>			
	<u>RDH</u>	<u>FTA</u> <u>CDA</u>	<u>COA</u>	<u>OJT</u>
1. Give oral health instruction	G	G	G	G
2. Perform dietary analysis for dental disease control	G	G	G	G
3. Take and record vital signs	G	G	G	G
4. Chart dental restorations and record lesions	G	G	G	G
5. Take intra-oral photographs	G	G	G	G
6. Retract lips, cheek, tongue and other oral tissue parts	G	G	G	G
7. Place temporary restorations	G	G	G	G
8. Irrigate and aspirate the oral cavity	G	G	G	D
9. Isolate the operative field	G	G	G	D
10. Take impressions for study casts, athletic mouth guards, custom trays	G	G	G	D
11. Take wax bite registrations for identification purposes	G	G	G	D
12. Apply topical anesthetic agents	G	G	G	D
13. Take oral cytologic smears	G	G	G	D
14. Remove sutures	G	G	G	D
15. Place and remove periodontal dressings	G	G	G	D
16. Place and remove rubber dam	G	G	I	I
17. Place amalgam in tooth for condensation by the dentist	I	I	I	I
18. Irrigate and dry root canals	I	I	I	I
19. Expose radiographs	Refer to 234 CMR 2.04(12)(b)			
20. Assist in administration of nitrous oxide	I	I	I	I
21. Remove gingival retraction cord	I	I	I	I
22. Apply cavity varnish	I	I	I	I
23. Remove temporary restorations with hand instruments	I	I	I	
24. Place and remove wedges	I	I		
25. Place and remove matrix bands	I	I		
26. Place gingival retraction cord	I	I		
27. Perform minor emergency orthodontic adjustments to eliminate pain and discomfort	G	G	G	G
28. Remove excess cement and bonding agents from bridges and orthodontic appliances with hand instruments	D	D	D	I
29. Take impressions for orthodontic retainers	D	D	D	I
30. Preliminary intra-oral fit of bands	D	D	D	I
31. Preliminary oral fit of archwires	D	D	D	I
32. Place and remove orthodontic separators	D	D	D	I
33. Select size of headgear	D	D	D	I
34. Prepare teeth for bonding of orthodontic appliances	I	I	I	I
35. Place and remove orthodontic archwires	I	I	I	I
36. Remove fixed orthodontic appliances	I	I	I	I
37. Place elastics and ligature wires	I	I	I	I

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<u>Delegated Procedure</u> (continued)	<u>Appropriate Supervision</u>			
	<u>RDH</u>	<u>FTA</u> <u>CDA</u>	<u>COA</u>	<u>OJT</u>
38. Cement and remove temporary crowns and bridges	G	G		
39. Insert and/or perform minor adjustment of athletic mouth guards and custom fluoride trays	G	G		
40. Polish teeth after dentist or dental hygienist has determined that teeth are free of calculus	G	G		
41. Apply anti-cariogenic agents	G	G		
42. Remove surgical dressings	G	G		
43. Apply dental sealants	G	I		
44. Place surgical dressings	I	I		
45. Perform pulp testing	I	I		
46. Select and try stainless steel crowns or other pre-formed crown for insertion by dentist	I	I		
47. Perform periodontal charting	G			
48. Conduct dental screenings	G			
49. Perform preliminary examination to determine needed dental hygiene services	G			
50. Perform sub-gingival and supra-gingival scaling	G			
51. Perform root planing and curettage	G			
52. Polish amalgam restorations	G			
53. Apply identification microdisks	G			
54. Perform minor emergency denture adjustments to eliminate pain and discomfort in nursing homes and other long term care facilities	G			
55. Perform any other procedure approved by the Board.				

(c) Procedures Not Delegated to Dental Auxiliaries

1. Diagnose oral conditions.
2. Treatment plans for dental services.
3. Surgically cut or remove hard or soft tissue (not to include gingival curettage).
4. Prescribe medications or drugs.
5. Administer general anesthesia, parenteral sedation or conscious sedation.
6. Administer local anesthesia.
7. Perform extractions.
8. Place sutures.
9. Perform endodontic therapy-not to include #18 in 234 CMR 2.04(15)(b).
10. Perform orthodontic therapy-not to include #27-37 in 234 CMR 2.04(15)(b).
11. Apply cavity liner or base material.
12. Place permanent or bonded restorations in or on natural teeth.
13. Condense or carve amalgam or composite restorations.
14. Intraorally finish margins or adjust the occlusion of restorations.
15. Apply or finish composite or bonding materials for restorative or cosmetic procedures.
16. Take impressions for fabrications of restorations, appliances, or prostheses-not to include #10 or #29 in 234 CMR 2.04(15)(b).
17. Permanently cement or recement cast restorations or stainless steel crowns.
18. Fabricate dentures.
19. Adjust dentures-not to include #54 in 234 CMR 2.04(15)(b).
20. Perform any other procedure prohibited by the Board.

2.04: continued

(16) Responsibilities of the Supervising Dentist for Delegable Procedures.

- (a) The supervising dentist shall be personally and professionally responsible for all delegated acts and procedures performed by dental auxiliaries within his or her practice. Any dentist who delegates a procedure to an auxiliary who does not meet all requirements necessary to perform that procedure as defined in 234 CMR 2.03, 2.04(12) and (15) shall be subject to disciplinary action by the Board which may result in the suspension or revocation of the dentist's license to practice dentistry.
- (b) The Board shall require that the supervising dentist have evidence of compliance with these requirements available at the dental office of a similar nature as required in 234 CMR 2.04(12)(c) for radiographs and evidence of registration for dental hygienists or certification for dental assistants for 234 CMR 2.04(15) for delegable procedures.
- (c) The Board may examine a dental assistant or dental hygienist for competency and proficiency in the performance of any function or delegable procedure allowed by 234 CMR 2.00.

(17) Requirement to Make Available Dental Records.

- (a) A licensee shall maintain a dental record for each patient which is adequate to enable the licensee to provide proper diagnosis and treatment. A licensee must maintain a patient's dental record and radiographs (x-rays) for a minimum of three years from the date of the last patient encounter and in a manner which permits the patient and/or successor dentist access to these records within the terms of 234 CMR 2.00.
- (b) Upon a patient's request, a licensee shall provide a patient or another specifically authorized person with the following:  
A summary which includes all relevant data, of that portion of the patient's dental record which is in the licensee's possession, or a copy of that portion of the patient's entire dental record which is in the licensee's possession. It is within the licensee's discretion to determine whether to make available a summary including radiographs or a copy of the entire dental record including radiographs.
- (c) A licensee may charge a reasonable fee for the expense of providing the material enumerated in 234 CMR 2.04(17)(b).
- (d) Dentists are obliged to safeguard the confidentiality of patient records. Dentists shall maintain patient records in a manner consistent with the protection of the welfare of the patient.

(18) Compliance with Infection Control Practices. All persons licensed by the Board and all offices providing dental services shall be required to provide services in compliance with the "Recommended Infection-Control Practices for Dentistry, 1993" published by the Centers for Disease Control and Prevention (CDC), U.S. Department of Health and Human Services, Atlanta, Georgia, as the same may be amended and republished by the CDC.

(19) Reporting of Patient Deaths in Dental Facilities.

- (a) Purpose. All dental patient deaths that occur in a dental facility or that are pronounced dead in another facility, *e.g.* hospital to which the dental patient has been transported from a dental facility, must be reported to the Board. The dentist who was treating and/or responsible for said patient must submit a complete written report to the Board by certified mail within 14 days.
- (b) Failure to Comply. The license, certificate, or registration of the dentist to practice in Massachusetts may be revoked, suspended, or placed on probation for failure to comply with this reporting requirement.

2.05: Advertising

(1) Illegal Advertising Practices.

- (a) Unfair, misleading, deceptive and fraudulent advertising is prohibited. A dentist may advertise truthful and accurate information pertaining to dental services.
- (b) Statements that a certain dentist uses or may use a special material, drug, formula, medicine, appliance, or equipment that is not available to other dentists generally are prohibited.

2.05: continued

(2) Advertising Dental Services and Dental Fees.

- (a) A dental service is one that a dentist performs and actually provides at a specific fee to substantially all patients for whom the service is provided.
- (b) Dental services, as advertised, must include all professionally recognized components of that service. A dental examination or any dental service advertised as being "free" or "no charge" or "without charge" and the like must include all professionally recognized components within generally accepted standards of practice in Massachusetts, such as oral examination, charting, and necessary x-rays. Any such advertisement shall not obligate in any way the purchase of any additional goods or services in order to receive the advertised service.
- (c) Advertised fees for all dental services must be in effect for a reasonable period of time from the initial date of the advertisement. The minimum period of time during which the advertised fees will be in effect must be included in the advertisement.
- (d) When the quality of brands, appliances, prostheses, or types of materials used in an advertised service may influence the fee charged for a dental service; the brands, appliances, prostheses, or types of materials used, or the effect on the fee charged, must be affirmatively and fully disclosed in the advertising medium.

(3) Advertisers Names, Broadcast and Electronic Media Responsibilities.

- (a) Any advertisement for dental services must contain the name of the dentist who owns the practice who must be registered in the Commonwealth of Massachusetts, or the corporate name which includes the name of the dentist who owns the practice who must be registered in the Commonwealth. If there are more than two dentists who own a practice, the names of at least the two primary owners of the dental practice must be listed in the advertisement.
- (b) The information disclosed by the advertising dentist in a publication or a broadcast shall comply with M.G.L. c. 112, § 52A, and other provisions of 234 CMR 2.00.
- (c) Broadcast advertisements shall be recorded and approved for broadcast by the advertising dentist who is held responsible.
- (d) All advertisements on electronic media must be identified as an advertisement at the beginning and at the end of the communication.

(4) Enforcement. Dentists or dental hygienists governed by M.G.L. c. 112 and by 234 CMR 2.00 shall be disciplined in accordance with M.G.L. c. 112 for violation of 234 CMR 2.00.

REGULATORY AUTHORITY

234 CMR 2.00: M.G.L. c. 112, §§ 43 through 51.